

**REMARKS**

Claims 1-16 are pending in this application. By this Amendment, the specification and claims 1, 5 and 8 are amended, and claims 9-16 are added. Support for the amendments to claims 1 and 5 can be found at least in the specification at page 9, lines 27-32. Support for new claims 9-16 can be found at least in the specification at page 8, lines 1-14, and Fig. 6. No new matter is added.

**I. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-8 under 35 U.S.C. §102(b) over U.S. Patent No. 3,963,354 to Feldman et al. (Feldman). This rejection is respectfully traversed.

Claims 1-8 are not anticipated by Feldman. Feldman does not disclose a visual inspection apparatus that includes "when the subject area is one of the ends of the odd-numbered areas in the group, the comparison areas are one odd-numbered area and one even-numbered area closest to the subject area, and when the subject area is one-even numbered area and is not one of ends in the group, the comparison areas are two odd-numbered areas closest to the subject area," as recited in independent claim 1 and similarly recited in independent claim 5. By limiting the shortest scanning distance between the subject area and the comparison area, the comparison is more efficient.

Feldman merely discloses the comparison of a 6-1-1 signal with the average of the signals obtained from areas 5-1-1 and 7-1-1 or with some other weighted average of all the other signals (col. 7, lines 25-27). However, Feldman only discloses that the subject area and the comparison areas relative to the designated subject area are in the same row as the subject area. Therefore, the comparison areas of Feldman can only be any area that is in the same row with the subject areas. Thus, Feldman does not disclose the visual inspection apparatus recited in claim 1, and the method of inspection as recited in claim 5.

Thus, for at least these reasons, independent claims 1 and 5 are patentable over Feldman. Further, claims 2-4 and 6-8, which depend from claims 1 and 5, respectively, are also patentable over Feldman for at least the reasons discussed above with respect to claims 1 and 5, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

## **II. Double Patenting Rejection**

The Office Action rejects claims 1 and 5 on the ground of non-statutory obviousness-type double patenting over claims 2 and 5 of U.S. Patent No. 6,643,394, respectively. This rejection is respectfully traversed.

Claims 1 and 5 are patentably distinct from claims 2 and 5 of U.S. Patent No. 6,643,394. Claims 1 and 5 of the instant application recite "image comparison means for dividing the areas into at least one group, each group including consecutive three of the other areas." (emphasis added). However, claims 2 and 5 of that patent recite "imaging means for capturing images of four or more areas arranged in a line." (emphasis added). Therefore, claims 1 and 5 of the instant application and claims 2 and 5 of the patent have a different scope. Thus, claims 1 and 5 are patentably distinct from claims 2 and 5 of the patent. Withdrawal of the rejection is thus respectfully requested.

## **III. Request Under 37 C.F.R. §1.105**

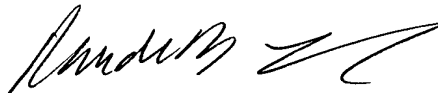
The Office Action included a requirement for information under 37 C.F.R. §1.105 regarding the conventional image processing method described on page 2, lines 8-12 of the specification. The Office Action requests submission of the actual prior art document, or any other documentation known to the Applicant that teaches this concept. Applicant and Applicant's Assignee respectfully submit that they do not possess or know of any document that teaches such feature. This statement should satisfy the requirement under 37 C.F.R. §1.105.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: May 15, 2006

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